REMARKS

The Official Action mailed April 23, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to August 23, 2004. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes the partial consideration of the Information Disclosure Statement filed on December 8, 2003. Specifically, it appears the Examiner has not considered twelve Japanese references and a European reference cited on page 2, and six Japanese references and an article cited on page 3. The Official Action asserts that the Information Disclosure Statement "fails to comply with 37 CFR 1.98(a)(2)" (page 2, Paper No. 20040416). The Applicant respectfully disagrees.

Please note that the present application is a Division of Serial No. 09/678,656, filed October 4, 2000, which is a Division of Serial No. 09/359,853, filed July 23, 1999, which is a Division of Serial No. 09/076,819, filed May 13, 1998, which is a Division of Serial No. 08/572,074, filed December 14, 1995, which is a Division of Serial No. 08/081,705, filed June 25, 1993. Under 37 CFR § 1.98(d)(1), the Applicant is permitted to rely on an earlier submission of prior art in a parent application if the "earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120." The above-referenced applications are properly identified in the Information Disclosure Statement, and the Application Data Sheet of the present invention show that the present application claims the benefit of priority from the above-referenced applications.

As a courtesy to the Examiner, the Applicant has provided a copy of the Form PTO-1449 submitted December 8, 2003. Please note, the following matters have been corrected on the copy of the Form PTO-1449: (1) on page 1, the publication date of U.S. Patent No. 5,250,214 to Kanemoto et al. is October 5, 1993; (2) JP 03-031821 (Abst.) cited on page 1 is a duplicate of JP 03-031821 (Full) cited on page 3, so the citation on page 1 has been deleted; and (3) JP 02-287317 (Abst.) cited on page 2 is a

duplicate of JP 02-287317 (Full) cited on page 3, so the citation on page 2 has been deleted. If there are any particular references that cannot be located by the Examiner in the above-referenced applications, the Applicant requests that such references be identified in a subsequent communication. Accordingly, the Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 submitted December 8, 2003, evidencing consideration of the Information Disclosure Statement.

Claims 1-16 were pending in the present application prior to the above amendment. Claims 1-5 have been canceled, and claims 6 and 12 have been amended to better recite the features of the present invention. Accordingly, claims 6-16 are now pending in the present application, of which claims 6 and 12 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action asserts that the present application does not include a claim for foreign priority (page 2, Paper No. 20040416). The Applicant respectfully disagrees. Under 37 CFR § 1.76(b)(6), the Applicant may provide foreign priority information in an application data sheet and such disclosure "constitutes the claim for priority as required by 35 U.S.C. 119(b) and § 1.55(a)." The Applicant respectfully submits that the application data sheet includes specific references to prior applications and fully complies with Rule 1.76, and that the objection be reconsidered and withdrawn. In any event, the Application containing the priority papers requested by the Examiner is Application Serial No. 09/081,705 filed June 25, 1993.

The Official Action objects to the title as not descriptive. In response, the title has been amended.

Paragraph 1 of the Official Action rejects claims 1-4 and 12-15 under the doctrine of obviousness-type double patenting over claims 13, 14 and 16 of U.S. Patent No. 6,693,696 to Konuma. Paragraph 2 of the Official Action rejects claims 6-9 under the doctrine of obviousness-type double patenting over claims 13, 14 and 16 of Konuma and U.S. Patent No. 4,566,758 to Bos.

Claims 1-5 have been canceled. With respect to claims 6-9 and 12-15, as is discussed in greater detail below, the independent claims have been amended to better recite the features of the present invention. In light of this amendment, the Applicant respectfully traverses this ground for rejection and reconsideration of the pending claims is respectfully requested. In any event, the Applicant respectfully requests that the double patenting rejections be held in abeyance until an indication of allowable subject matter is made in the present application. At such time, the Applicant will respond to any remaining double patenting rejections.

The Official Action rejects claims 1-5 and 12-16 as obvious based on the combination of U.S. Patent No. 5,250,214 to Kanemoto et al. and U.S. Patent No. 4,983,023 to Nakagawa et al. The Official Action rejects claims 6-11 as obvious based on the combination of Kanemoto, Nakagawa and Bos. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

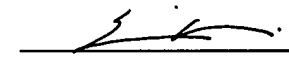
The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 6 and 12 have been amended to recite a pair of orientation films provided adjacent to and between a pair of substrates respectively and having antiparallel orientation directions to each other. Kanemoto, Nakagawa and Bos, either alone or in combination, do not teach or suggest at least the above-referenced features of the present invention.

The Official Action concedes that Kanemoto and Nakagawa do not teach a "pair of orientation films having antiparallel orientation directions to each other" (page 6, Paper No. 20040416). The Official Action asserts that Bos teaches an "LCD comprising a pair of orientation films having antiparallel orientation directions to each other" (Id.). The Applicant respectfully disagrees and traverses the above-referenced assertion in the Official Action. Although Bos may teach a pair of orientation films having parallel orientation directions to each other, the Applicant respectfully submits that Bos does not teach or suggest a pair of orientation films having antiparallel orientation directions to each other.

Since Kanemoto, Nakagawa and Bos do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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